



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4329

Introduced 12/29/2005, by Rep. Rich Brauer

SYNOPSIS AS INTRODUCED:

210 ILCS 5/6.5
225 ILCS 60/54.7 new

Amends the Ambulatory Surgical Treatment Center Act. In provisions concerning persons authorized to administer anesthesia services, provides that a registered nurse may administer conscious sedation under the following conditions: (1) the registered nurse has privileges granted by the medical staff and ambulatory surgical treatment center (ASTC) to administer conscious sedation; (2) the registered nurse is under the direct supervision of the operating physician or dentist during the delivery conscious sedation; (3) the registered nurse maintains current Advanced Cardiac Life Support certification; and (4) the operating physician has training and experience in the delivery of anesthesia services to patients by either possessing clinical privileges at the ASTC to administer anesthesia or completing a minimum of 8 hours of continuing education in the delivery of anesthesia, including the administration of conscious sedation within each 3-year license period. Also requires that a physician or dentist with authority to administer anesthesia maintain current Advanced Cardiac Life Support certification. Amends the Medical Practice Act of 1987. Provides that any physician may order and administer anesthesia services in accordance with his or her training or experience. Sets forth the conditions under which anesthesia services shall be administered in a hospital, in an ambulatory surgical treatment center, and in a physician's office. Defines "conscious sedation". Effective immediately.

LRB094 15818 DRJ 51034 b

1 AN ACT in relation to regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Ambulatory Surgical Treatment Center Act is
5 amended by changing Section 6.5 as follows:

6 (210 ILCS 5/6.5)

7 Sec. 6.5. Clinical privileges; advanced practice nurses.
8 All ambulatory surgical treatment centers (ASTC) licensed
9 under this Act shall comply with the following requirements:

10 (1) No ASTC policy, rule, regulation, or practice shall be
11 inconsistent with the provision of adequate collaboration,
12 including medical direction of licensed advanced practice
13 nurses, in accordance with Section 54.5 of the Medical Practice
14 Act of 1987.

15 (2) Operative surgical procedures shall be performed only
16 by a physician licensed to practice medicine in all its
17 branches under the Medical Practice Act of 1987, a dentist
18 licensed under the Illinois Dental Practice Act, or a
19 podiatrist licensed under the Podiatric Medical Practice Act of
20 1987, with medical staff membership and surgical clinical
21 privileges granted by the consulting committee of the ASTC. A
22 licensed physician, dentist, or podiatrist may be assisted by a
23 physician licensed to practice medicine in all its branches,
24 dentist, dental assistant, podiatrist, licensed advanced
25 practice nurse, licensed physician assistant, licensed
26 registered nurse, licensed practical nurse, surgical
27 assistant, surgical technician, or other individuals granted
28 clinical privileges to assist in surgery by the consulting
29 committee of the ASTC. Payment for services rendered by an
30 assistant in surgery who is not an ambulatory surgical
31 treatment center employee shall be paid at the appropriate
32 non-physician modifier rate if the payor would have made

1 payment had the same services been provided by a physician.

2 (3) The anesthesia service shall be under the direction of
3 a physician licensed to practice medicine in all its branches
4 who has had specialized preparation or experience in the area
5 or who has completed a residency in anesthesiology. An
6 anesthesiologist, Board certified or Board eligible, is
7 recommended. Anesthesia services may only be administered
8 pursuant to the order of a physician licensed to practice
9 medicine in all its branches, licensed dentist, or licensed
10 podiatrist.

11 (A) The individuals who, with clinical privileges
12 granted by the medical staff and ASTC, may administer
13 anesthesia services are limited to the following:

14 (i) an anesthesiologist; or

15 (ii) a physician licensed to practice medicine in
16 all its branches; or

17 (iii) a dentist with authority to administer
18 anesthesia under Section 8.1 of the Illinois Dental
19 Practice Act; or

20 (iv) a licensed certified registered nurse
21 anesthetist; or

22 (v) a registered nurse under the conditions set
23 forth in item (D).

24 (B) For anesthesia services, an anesthesiologist shall
25 participate through discussion of and agreement with the
26 anesthesia plan and shall remain physically present and be
27 available on the premises during the delivery of anesthesia
28 services for diagnosis, consultation, and treatment of
29 emergency medical conditions. In the absence of 24-hour
30 availability of anesthesiologists with clinical
31 privileges, an alternate policy (requiring participation,
32 presence, and availability of a physician licensed to
33 practice medicine in all its branches) shall be developed
34 by the medical staff consulting committee in consultation
35 with the anesthesia service and included in the medical
36 staff consulting committee policies.

1 (C) A certified registered nurse anesthetist is not
2 required to possess prescriptive authority or a written
3 collaborative agreement meeting the requirements of
4 Section 15-15 of the Nursing and Advanced Practice Nursing
5 Act to provide anesthesia services ordered by a licensed
6 physician, dentist, or podiatrist. Licensed certified
7 registered nurse anesthetists are authorized to select,
8 order, and administer drugs and apply the appropriate
9 medical devices in the provision of anesthesia services
10 under the anesthesia plan agreed with by the
11 anesthesiologist or, in the absence of an available
12 anesthesiologist with clinical privileges, agreed with by
13 the operating physician, operating dentist, or operating
14 podiatrist in accordance with the medical staff consulting
15 committee policies of a licensed ambulatory surgical
16 treatment center.

17 (D) A registered nurse may administer conscious
18 sedation, as defined in the Medical Practice Act of 1987,
19 under the following conditions:

20 (1) The registered nurse has privileges granted by
21 the medical staff and ASTC to administer conscious
22 sedation.

23 (2) The registered nurse is under the direct
24 supervision of the operating physician or dentist
25 during the delivery conscious sedation.

26 (3) The registered nurse maintains current
27 Advanced Cardiac Life Support certification.

28 (4) The operating physician has training and
29 experience in the delivery of anesthesia services to
30 patients by either possessing clinical privileges at
31 the ASTC to administer anesthesia or completing a
32 minimum of 8 hours of continuing education (CME) in the
33 delivery of anesthesia, including the administration
34 of conscious sedation within each 3-year license
35 period.

36 In addition, the operating physician or dentist with

1 authority to administer anesthesia under Section 8.1 of the
2 Illinois Dental Practice Act must maintain current Advanced
3 Cardiac Life Support certification. This training and
4 experience must be documented in the operating physician or
5 dentist clinical privilege file.

6 (Source: P.A. 93-352, eff. 1-1-04.)

7 Section 10. The Medical Practice Act of 1987 is amended by
8 adding Section 54.7 as follows:

9 (225 ILCS 60/54.7 new)

10 Sec. 54.7. Anesthesia services.

11 (a) Any physician may order and administer anesthesia
12 services in accordance with his or her training or experience.

13 (b) In a hospital setting, anesthesia services shall be
14 administered in accordance with Section 10.7 of the Hospital
15 Licensing Act.

16 (c) In an ambulatory surgical treatment center, anesthesia
17 services shall be administered in accordance with Section 6.5
18 of the Ambulatory Surgical Treatment Center Act.

19 (d) In a physician's office, anesthesia services shall be
20 administered in accordance with the following:

21 (1) In a physician's office, the operating physician
22 shall have training and experience in the delivery of
23 anesthesia services in order to administer anesthesia or to
24 enter into a practice agreement with a certified registered
25 nurse anesthetist (CRNA) to provide anesthesia services in
26 the office pursuant to Section 54.5 of the Medical Practice
27 Act and Section 15-25 of the Nursing and Advanced Practice
28 Nursing Act. When an anesthesiologist is administering
29 anesthesia in a physician's office, the operating
30 physician is not required to have the training and
31 experience set forth in paragraph (2). A "physician's
32 office" is any practice location not regulated by Section
33 10.7 of the Hospital Licensing Act or Section 6.5 of the
34 Ambulatory Surgical Treatment Center Act.

1 (2) The training and experience requirements may be met
2 in the manner specified in either subparagraph (A) or
3 subparagraph (B):

4 (A) The physician maintains clinic privileges to
5 administer anesthesia services in a hospital licensed
6 in accordance with the Hospital Licensing Act or an
7 ambulatory surgical treatment center licensed in
8 accordance with the Ambulatory Surgical Treatment
9 Center Act; or

10 (B) Completion of continuing medical education:

11 (i) For conscious sedation only, the physician
12 shall complete a minimum of 8 hours of continuing
13 medical education (CME) in delivery of anesthesia,
14 including the administration of conscious sedation
15 within each 3-year license renewal period.

16 (ii) For deep sedation, regional anesthesia,
17 or general anesthesia, or any combination of
18 those, a physician shall complete a minimum of 34
19 hours of continuing medical education in the
20 delivery of anesthesia services within each 3-year
21 license renewal period. Fulfillment of this
22 requirement shall satisfy the requirement of
23 subdivision (2) (B) (i) for the administration of
24 conscious sedation.

25 (iii) A continuing medical education program
26 shall be conducted by a university, professional
27 association, or hospital as a formal CME program.

28 (3) In a physician's office where anesthesia is
29 administered, all operating physicians and
30 anesthesiologists shall obtain Advanced Cardiac Life
31 Support (ACLS) certification and shall thereafter maintain
32 current ACLS certification. If the physician enters into a
33 practice agreement with a CRNA, the CRNA shall also have a
34 current ACLS certification.

35 (4) The ACLS certification and the physician training
36 and experience required by this Section shall be documented

1 in the written practice agreement between the physician and
2 the CRNA.

3 (5) The continuing medical education required in
4 paragraph (2) and the ACLS training required in paragraph
5 (3) may be applied to fulfillment of the 150 hours of
6 continuing medical education required for renewal of a
7 license.

8 (6) For the provision of anesthesia services, the
9 operating physician or dentist shall participate through
10 discussion of and agreement with the anesthesia plan and
11 shall remain physically present and be available on the
12 premises during the delivery of anesthesia services for
13 diagnosis, consultation, and treatment of emergency
14 medical conditions.

15 (e) "Conscious sedation" means a drug-induced depression
16 of consciousness during which patients respond purposefully to
17 verbal commands, either alone or accompanied by light tactile
18 stimulation. No interventions are required to maintain a patent
19 airway and spontaneous ventilation is adequate. Cardiovascular
20 function is maintained.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.